

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 01-133
ACTION AGAINST	)	
	)	
Geoff Simpson,	)	Notice of Administrative
	)	Charges
Respondent.	)	
	)	

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IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

RCW 42.17.130 states in part: "No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency and clientele lists of persons served by the office or agency..."

### **III.** **BACKGROUND**

On September 29, 2000, the Public Disclosure Commission received a complaint from Don Benton, who at the time was Chair of the Washington State Republican Party, alleging that Geoff Simpson used public facilities, including personnel, to produce campaign literature in his 2000 campaign for State Representative in the 47<sup>th</sup> Legislative District. The complaint alleged that City of Kent Fire Department property was used in Mr. Simpson's ads. Mr. Simpson was elected to the position of State Representative on November 7, 2000.

During the course of the investigation, staff determined that the photographs used in the Simpson campaign literature were taken at the City of SeaTac Fire Department and that employees of the City of SeaTac were involved in the use of public facilities to assist the Simpson campaign. Separate charges of violations are being filed against Kevin Rojecki and John Gallup, both City of SeaTac employees at the time the alleged violations occurred.

### **IV.** **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

Geoff Simpson was a candidate for State Representative in the 47<sup>th</sup> Legislative District in 2000. His name appeared on the September 19, 2000 primary election ballot and the November 7, 2000 general election ballot. Mr. Simpson was elected to the position of State Representative from the 47<sup>th</sup> Legislative District on November 7, 2000.

During 2000, the Geoff Simpson campaign produced campaign literature. A copy of the pertinent brochure is attached. On July 21, 2000, Mr. Simpson participated in a campaign photo shoot at the City of SeaTac Fire Department. At the time of the photo shoot, Mr. Simpson was an employee of the City of Kent Fire Department. Mr. Simpson participated in arranging for the photo shoot by seeking permission to have a campaign photo shoot at the SeaTac Fire

Department, by selecting a date, and by insuring that a photographer would be present. During the actual photo shoot, Mr. Simpson wore a uniform that was issued by the City of Kent Fire Department, and wore clothing and used equipment that was the property of the City of SeaTac Fire Department and not available to the general public. The clothing and equipment included bunker gear and protective clothing, fire fighting equipment, and a fire truck. In addition, seven City of SeaTac on-duty firefighters and seven fire department uniforms were used. The campaign photo shoot lasted the entire day and included photographs taken at the City of SeaTac Fire Department and at other locations not involving the use of public facilities.

Mr. Simpson coordinated the campaign photo shoot through Kevin Rojecki, a City of SeaTac Fire Department employee and firefighter (who was also President of the local firefighter's union (IAFF Local 2919).) Mr. Rojecki was unable to attend the photo shoot on July 21, 2000 and asked Captain John Gallup, a City of SeaTac firefighter, who is also Vice President of IAFF Local 2919, to assist in coordinating the photo shoot, including arranging for use of on-duty City of SeaTac firefighters. Captain Gallup coordinated the use of City of SeaTac Fire Department equipment and personnel for the photo shoot on July 21, 2000.

Mr. Simpson, Mr. Rojecki, and Mr. Gallup stated that they believed that City of SeaTac Fire Chief Jim Downs authorized the photo shoot, on the condition that the City of SeaTac was not identified in any campaign photographs. Chief Downs contends that he did not authorize the use of City of SeaTac Fire Department equipment and facilities for the Simpson campaign photo shoot. Chief Downs stated that he talked to Mr. Rojecki about the prohibition against showing fire department logos in campaign photographs, but contends that he did not talk to Mr. Rojecki specifically about the Simpson campaign photo shoot. The photographs did not identify the City of SeaTac or the City of Kent.

The photographs taken on July 21, 2000 using public facilities and equipment of the City of SeaTac and a uniform of the City of Kent were subsequently used in campaign literature by the Geoff Simpson campaign. The campaign produced 52,895 brochures that were mailed to individuals in the 47<sup>th</sup> Legislative District. The brochures were mailed between August 28 and October 16, 2000.

**V.**  
**CONCLUSION**

Staff alleges, based on the facts specified in Section IV, that Geoff Simpson violated RCW 42.17.130 by using public resources of the City of Kent Fire Department and the City of Sea Tac Fire Department by participating in a campaign photo shoot wearing his official City of Kent uniform, and by using firefighting clothing and equipment, including a fire truck, and on-duty employees of the City of SeaTac.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January, 2002.

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Philip E. Stutzman  
Director of Compliance